

REMARKS

In the Office Action, claims 1-15 were pending, and claims 1-15 were rejected. Claims 1-3 have been amended. The amendments do not contain new matter. Support for the amendment can be found in the application as originally filed. Please consider the following remarks.

I. Rejection of Claims 1-15 under 103 as being unpatentable over U.S. 6,610,111 ("Krull")

In the Office Action at page 2, number 2, claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krull. The Examiner stated that Krull does not specifically teach a composition wherein a plurality of monocarboxylic acids are present, but it would have been obvious to one of ordinary skill in the art to use a plurality of the acids because Krull teaches that at least one acid is used and the language "at least one" suggests that a plurality may be present in the composition. Applicants respectfully traverse this rejection.

A. The Present Invention

The present invention as recited in amended claim 1 is an additive composition that is free of polycyclic carboxylic acids and of acid derivatives thereof, for a fuel oil composition, comprising: an additive, (a), comprising salt derivatives of a plurality of monocarboxylic acids, each having from 10 to 24 carbon atoms, less than 7 mass % of which acids from which salt derivatives are derived having a linear chain and being saturated, and the balance being unsaturated, at least 35 mass % of said balance being polyunsaturated.

The present invention as recited in amended claim 2 is an additive composition that is free of polycyclic carboxylic acids and of acid derivatives thereof, for a fuel oil composition, comprising or obtained by mixing: an additive, (a'), comprising salt derivatives of a plurality of monocarboxylic acids, each having from 10 to 24 carbon atoms, less than 7 mass % of which acids from which salt derivatives are derived having a linear chain and being saturated, and the balance being unsaturated, at least 35 mass % of said balance being polyunsaturated; and either or both of an additive, (b), in the form of an anti-oxidant additive and an additive, (c), in the form of an electrical-conductivity improver additive.

The present invention as recited in amended claim 3 is an additive composition that is

free of polycyclic carboxylic acids and of acid derivatives thereof, for a fuel oil composition, comprising or obtained by mixing: an additive, (a''), comprising salt derivatives of one or more monocarboxylic acids, each acid having from 10 to 24 carbon atoms; and an additive, (c), in the form of an electrical-conductivity improver additive.

B. Krull

Krull discloses a low-temperature-stabilized additives for fuel oils having a sulfur content of up 0.05% by weight, comprising fatty acid mixtures of A1) from 1 to 99% by weight of at least one saturated mono- or dicarboxylic acid having from 6 to 50 carbon atoms, A2) from 1 to 99% by weight of at least one unsaturated mono- or dicarboxylic acid having from 6 to 50 carbon atoms, and B) at least one polar nitrogen-containing compound which is effective as paraffin dispersant in middle distillates, in an amount of from 0.01 to 90% by weight, based on the total weight of A1), A2) and B), and to the use of said mixtures for improving the lubrication properties of low-sulfur middle distillates.

C. Traversal of the Rejection

For a proper rejection under Section 103, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The present invention as recited in claim 1 is an additive composition comprising **salt derivatives** of a plurality of monocarboxylic acids.

In contrast to the present invention, Krull teaches additives comprising fatty acid mixtures. There is no teaching in Krull of additive compositions comprising **salt derivatives** of a plurality of monocarboxylic acids as recited in claim 1. As a result, Krull does not teach or suggest all of the limitations recited in claim 1, and the rejection of claim 1 under §103 is improper. Applicants respectfully request the withdrawal of this rejection.

Claims 4-14 directly or indirectly, depend from claim 1 of the present invention and recite the invention in varying scope. For the reasons discussed above, Krull does not teach all of the limitations in claim 1 as further limited by claims 4-14. Specifically, Krull does not teach an additive composition comprising **salt derivatives** of a plurality of monocarboxylic acids as recited in the claims. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 4-14 over Krull.

Similarly to independent claim 1, independent claims 2 and 3 recite additive compositions comprising **salt derivatives** of one or more monocarboxylic acids. In contrast to the present invention, Krull teaches additives for fuel oils having comprising fatty acid mixtures. In Krull, there is no teaching of the additive compositions comprising salt derivatives of one or more monocarboxylic acids as recited in claims 2 and 3.

Further, claims 2 and 3 contain limitations pertaining to the inclusion of either or both of an additive, (b), in the form of an anti-oxidant additive and an additive, (c), in the form of an electrical-conductivity improver additive in combination with salt derivatives of one or more monocarboxylic acids. This combination is not taught by Krull.

For the reasons stated above, Krull does not teach or suggest all of the limitations recited in claims 2 and 3, and the rejection of claims 2 and 3 under 103 is improper. Applicants respectfully request the withdrawal of this rejection.

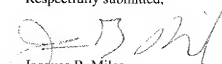
Claim 15 directly depends from claim 3 of the present invention and recites the invention in varying scope. For the reasons discussed above, Krull does not teach or suggest all the claim limitations in claim 3 as further limited by claim 15. As a result, Applicants respectfully request the withdrawal of the rejection of claim 15 over Krull.

II. Conclusion

Based upon the foregoing, it is submitted that the invention now claimed is neither anticipated, nor rendered obvious by the prior art of record and that the application is now in condition for allowance. The Applicants therefore request that the application now be passed to issue.

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